

DELEGATION OF AUTHORITY

DATE: 4-18-17

SOLID WASTE DISPOSAL ACT

8-31. Determination That There Is or Has Been a Release

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authority contained in Delegation 8-31 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Solid Waste Disposal Act (SWDA), including Section 3008(h), to make determinations that there is or has been a release of hazardous waste into the environment at a facility authorized to operate under Section 3005(e) of the SWDA.

2. TO WHOM REDELEGATED. The Director, Office of Site Remediation and Restoration (OSRR).

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to the Section Chief level, or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OSRR shall consult with the Director, Office of Environmental Stewardship (OES), or his/her designee, prior to exercising this authority, unless this consultation is waived by the Director, OES, or his/her designee.

B. The Director, OES, or his/her designee, is responsible for any necessary consultation with the Manager, Legal Enforcement Office, OES, or his/her designee, and the Regional Counsel, or his/her designee, regarding significant counselling issues.

C. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

D. The Assistant Administrator for the Office of Enforcement and Compliance Assurance must notify the appropriate Regional Administrator before exercising this authority.

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5. ADDITIONAL REFERENCES.

- A. Section 3008(h) of the SWDA.
- B. See the Chapter 8 delegations entitled:
 - a. *Administrative Enforcement – Corrective Action Authority: Issuance Orders and Signing of Consent Agreements.*
 - b. *Administrative Enforcement – Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements.*
 - c. *Civil Judicial Enforcement Actions.*
 - d. *Criminal Enforcement Actions.*
 - e. *Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions.*
 - f. *Emergency Temporary Restraining Orders.*

6. SUPERSESSON. Region I Delegation 8-31, dated August 15, 1996.

Deborah A. Szaro
Acting Regional Administrator

4-18-17
Date